



2003 ASSEMBLY BILL 895

February 23, 2004 - Introduced by Representatives MILLER, UNDERHEIM, ZEPNICK, M. LEHMAN, MUSSER, TURNER, J. LEHMAN, POPE-ROBERTS, TAYLOR and SHILLING, cosponsored by Senators ROBSON and ROESSLER. Referred to Committee on Aging and Long-Term Care.

- 1 **AN ACT to create** 146.385 of the statutes; **relating to:** health care provider
2 service rates and insurer health care services reimbursement rates.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health and Family Services (DHFS) annually by April 1 to make available, on the DHFS website and, upon request, by mail, the current Medical Assistance (MA) fee schedule for services of health care providers (as defined in the bill). The bill requires health care providers, annually by April 15, to provide to DHFS a statement of the providers' rates for health care services for the following May 1 to April 30. Health care providers must also inform DHFS, during this period, of any increase in any of their rates over the amounts provided to DHFS. The rates must be stated in a form, as determined by DHFS, that may include statement as a percentage of the MA fee schedule. In addition, health care providers, annually beginning on May 1, must post their rates on an Internet website, if the health care provider has such a website, and take reasonable steps to ensure that their health care services consumers are aware that rate information is available and are informed about how to obtain the information. Any increase in a health care provider's rates is chargeable only after the health care provider has notified DHFS and, if the health care provider has a website, has posted information on the website about the rate increase.

The bill requires insurers, annually by April 15, to provide to DHFS and to the insurers' insureds a statement of the insurers' rates of reimbursement for health care provider services for the following May 1 to April 30, stated as a percentage of the MA fee schedule. Insurers must also inform DHFS, during this period, of any increase in any of their rates over the amounts provided to DHFS.

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DHFS may make available, on the DHFS website and, upon request, by mail, the health care provider rate and insurer reimbursement rate information, including increases, provided to DHFS. DHFS is also authorized to contract for the receipt and posting of this information and the current MA fee schedule for health care provider services, in accordance with DHFS request-for-proposal procedures.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 146.385 of the statutes is created to read:

2 **146.385 Health care provider service rate charges; limitations.** (1) In
3 this section:

4 (a) “Health care provider” means any of the following that receives income from
5 the provision of health care or mental health services, items, or supplies in this state:

6 1. An individual who is licensed, registered, permitted, or certified by the
7 department of health and family services or by the department of regulation and
8 licensing to provide health care or mental health services, items, or supplies.

9 2. A partnership, corporation, or limited liability company of individuals
10 specified in subd. 1.

11 3. A facility or agency that provides health care or mental health services,
12 items, or supplies.

13 (b) “Insurer” means an insurer that is authorized to do business in this state,
14 in one or more lines of insurance that includes health insurance, and that offers
15 health care plans, as defined in s. 628.36 (2) (a) 1., covering individuals in this state.

16 **(2)** (a) By April 1 annually, the department shall make available on the
17 department’s website, in a form that is downloadable, and, upon request, by mail, the

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1 current Medical Assistance fee schedule for health care services of health care
2 providers.

3 (b) The department may make available on the department's website, in a form
4 that is downloadable, and, upon request, by mail, all of the following:

5 1. The current insurer rates of health care providers provided to the
6 department under sub. (3) (a), including any rate increases about which the
7 department is informed under sub. (3) (a).

8 2. The current rates of reimbursement for health care services of health care
9 providers provided to the department under sub. (5), including any rate increases
10 about which the department is informed under sub. (5).

11 (c) The department may contract for the receipt of information under sub. (3)
12 (a) or (5) and for the posting of the information under par. (a) or (b), in accordance
13 with the department's request-for-proposal procedures.

14 **(3)** (a) By April 15 annually, a health care provider shall provide to the
15 department, on a form provided by the department, a statement of the provider's
16 rates for health care services for the period from the following May 1 to April 30. If
17 during this period the health care provider increases any of the rates from the
18 amount stated, the health care provider shall so inform the department, on a form
19 provided by the department. The rates shall be stated in a form determined by the
20 department that may include statement as a percentage of the Medical Assistance
21 fee schedule for services of providers, as specified by the department under sub. (2)
22 (a).

23 (b) Beginning on May 1 annually, a health care provider shall, with respect to
24 the provider's rates for the period from that date to April 30 of the following year, do
25 all of the following:

